

November 9, 2009
Commissioners Meeting
Minutes

A meeting of the Board of Commissioners of Colfax County, Nebraska was held in the Commissioners Room of the County Courthouse, Schuyler, Nebraska on the 9th day of November, 2009. The County Board of Commissioners met at 8:30 a.m. Present were: Jerry L. Heard, Jerold Kracl and Skip Oehlich, County Commissioners, Rita M. Mundil, County Clerk, Bo Botelho, County Attorney. Notice of this meeting was given in advance thereof by posting written notice in at least three different public places as shown by the Certificate of Posting Notice. Availability of the proposed agenda was communicated in the advance notice and in the notice to the board. Copies of the Open Meetings Act were posted and available to the public. All proceedings shown were taken while the meeting was officially convened and open to the public.

The chairman stated a copy of the Open Meeting Act statute is posted and available to the public.

Motion Kracl; second Oehlich to approve the agenda. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Motion Oehlich, second Kracl to approve the minutes of 10/27/09. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

Motion Heard; second Kracl to enter executive session at 8:35 a.m. for the general assistance report. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

Motion Heard; second Oehlich to exit executive session and resume regular session at 8:40 a.m. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

The chairman stated no action was taken while in executive session.

The county attorney informed the board that the Platte County Detention Facility is planning on suspending the work release program with outside counties due to the limited number of beds available. The board reviewed the amendment of the county's vacation policy provided by the county attorney; the amended language is:

VACATION: Vacation leave can be taken as it is earned, but applications for vacation should be made in advance, if possible, and is subject to supervisory approval. Vacation leave is provided to employees for mutual benefit of the employees and the county. Extended time away from work on a periodic basis gives the employee a break, allowing them to return to work refreshed.

VACATION ACCRUAL: Vacation days are accrued monthly at a rate determined by the employee's years of service with the county. The vacation accrual rate is calculated by dividing the employee's days earned per year of service by twelve, the resulting number is the amount of vacation accrued per month.

VACATION CARRYOVER: Unused vacation is carried over to the next year; however the total number of accrued vacation can never exceed twenty five days. Once an employee reaches twenty five days of accrued vacation, that employee stops accruing vacation until vacation is used and the employee drops below twenty five days of vacation. Once an employee drops below twenty five days, that employee will begin to accrue vacation at that employee's accrual rate beginning the month immediately following the month which the employee dropped below twenty five days of accrued vacation.

HOLIDAYS: Holidays occurring during an employee's vacation leave do not count as vacation time, and are not deducted from employee's vacation record.

END OF EMPLOYMENT: Employees who leave county government for any reason will be paid for any unused vacation accrued at the time of termination of employment.

Motion Heard; second Kracl to approve the amended language of the county's vacation policy in accordance with existing state law. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

The zoning administrator gave a report of his office; he informed the board that at the next meeting a public hearing will be held to add a land use classification to the matrix of land uses under the C-1 zoning classification, and a request for change of a zoning application.

Motion Heard; second Kracl to open a public hearing at 9.00 a.m. for the purpose of hearing testimony of support, opposition, criticism, suggestions or observation for an application to the Department of Economic Development for a 2008 Disaster Recovery Program Community Development Block Grant. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

The zoning administrator in his report said that Colfax County is requesting \$689,862 of Community Development Block Grant Program Disaster Recovery Funding for capacity improvements to the Hughes Payzant Drainage Ditch. The total project is \$689,862 of which \$674,862 will be utilized for flood control and drainage facility improvements and \$15,000 will be utilized for general administration. This project will benefit at least 51% low-to-moderate income persons. There will be no persons displaced as a result of CDBG activities. This grant is available to local governments for community development activities.

No one from the public was present at the hearing.

Motion Heard; second Oehlich to close the public hearing at 9:05 a.m. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Motion Oehlich; second Kracl to approve Resolution 9-11-09(1) to authorize the chairman to sign an application for CDBG Funds and any and all contracts, documents, or other memoranda between Colfax County and the Nebraska Department of Economic Development so as to effect acceptance of the grant application. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

The weed superintendent gave a report of the activities of his department; he informed the board that the results of the helicopter spraying of the river will be in the spring and he is spraying for thistle now.

The clerk provided the board with her monthly fees and the 2008-2009 Annual Report for Central Community College. She informed the board they are registered for the convention in December and of NIRMAs' Annual Membership Meeting and Awards Luncheon on December 9, 2009. NIRMA is also soliciting nominations for three positions on the eleven-member Board of Directors. The board received notice that County Government Day is scheduled for November 16, 2009.

The board received a copy of the monthly fee report of the District Court Clerk.

The board discussed repairing the front steps with the maintenance staff; they would like to have three informal bids for this project.

The county treasurer presented a copy of the distress warrant list.

The September inmate log from Platte County was provided to the board and placed on file.

The sheriff's September monthly fee report was provided to the board and placed on file.

Motion Heard; second Oehlich to approve First National Bank-Schuyler (Howells Branch) as a depository of county funds for 2010. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

The board of commissioner recessed at 9:50 a.m. to meet as board of equalization at 10:15 a.m.

A meeting of the Board of Equalization of Colfax County, Nebraska was held in the Commissioners Room of the County Courthouse, Schuyler, Nebraska on the 9th day of November, 2009. The County Board of Equalization met at 10:15 a.m. Present were: Jerold Kracl, Jerry Heard and Skip Oehlich, County Commissioners, Rita M. Mundil, County Clerk and Viola Bender, County Assessor. Notice of this meeting was given in advance by posting written notice in at least three different public places as shown by the Certificate of Posting Notice. Availability of the proposed agenda was communicated in the advance notice and in the notice to the board. A copy of the Open Meetings Act was posted and available to the public. All proceedings shown were taken while the meeting was officially convened and open to the public.

No clerical errors were found in the levies previously adopted by the board.

Motion Heard; second Kracl to adjourn BOE at 10:20 a.m. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

The board reconvened as Board of Commissioners at 10:40 a.m.

The board provided an opportunity for county employee's to attend an "Agenda-less meeting".

The emergency manager gave a report of the activities of his department; the IS200 class was well attended by elected and appointed officials and the county should be NIMS Compliant.

The board provided an opportunity for public comment; a citizen discussed the Travelute Ditch.

The highway department gave a report of the activities of the road department; trapping in the county ROW was discussed and a public hearing on this subject will be at the next meeting at 11:00 a.m.; bid specs for motor graders were provided to the commissioners and the sealed bids will be opened at 11:00 a.m. on January 11, 2010; the highway consultant provided information to our federal elected officials on specific examples of current experience and comparison to past performance in hopes of advancing timelines on bridge and road projects.

The highway consultant reviewed the three bids for materials to construct a culvert structure for project Howells East C001903530 that were publicly opened and read at the last meeting with the commissioners. Motion Heard; second Kracl to award the bid to Midwest Service & Sales in the amount of \$31,882.50. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

Motion Oehlich; second Kracl to approve Resolution 11-9-09(2) to authorize the chairman to sign a Certification of Compliance for Structure No.C001902720 - C19(364) as required to receive softmatch credit. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

Motion Oehlich; second Kracl to approve Resolution 11-9-09(3) to authorize the chairman to sign a Certification of Compliance for Structure No.C001902320 - C19(409) as required to receive softmatch credit. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Motion Kracl; second Heard to approve Resolution 11-9-09(4) to authorize the chairman to sign a Certification of Compliance for Structure No. C001923405 - C19 (422) as required to receive softmatch credit. Voting YES: Kracl, Oehrich and Heard. Voting NO: None. Motion carried.

Motion Kracl; second Oehrich to approve Resolution 11-9-09(5) to authorize the chairman to sign a Certification of Compliance for Structure No.C001912815 - C19-(415) as required to receive softmatch credit.. Voting YES: Oehrich, Heard and Kracl. Voting NO: None. Motion carried.

The clerk summarized the day's agenda and action taken.

Motion Heard; second Oehrich to adjourn BOC at 12:04 p.m. and to meet again November 24, 2009. Voting YES: Heard, Kracl and Oehrich. Voting NO: None. Motion carried.

I, Rita M. Mundil, duly appointed and qualified County Clerk of said county, do hereby state that the above minutes were recorded by me, are true and correct to my knowledge, are recorded in the Commissioners Records and were completed for public inspection and publication on the 10th day of November, 2009.

Rita M. Mundil, County Clerk